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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,175	01/09/2001	Pang-Chia Lu	10234-2	1308

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EXXONMOBIL CHEMICAL COMPANY  
P O BOX 2149  
BAYTOWN, TX 77522-2149

EXAMINER

CHANG, VICTOR S

ART UNIT PAPER NUMBER

1771

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/757,175

Applicant(s)

LU ET AL.

Examiner

Victor S Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-27,29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) 8-27 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,29,31-36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Introduction***

1. The Examiner has carefully considered Applicants' remarks filed on 8/9/2004.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn.

### ***Rejections Based on Prior Art***

4. Claims 1, 3-5, 29, 31-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 4758462) in view of Wilkie et al. (US 5443915), generally as set forth in section 4 of Office action dated 4/9/2004, together with the following additional response to arguments.

With respect to Applicants' argument "Wilkie's disclosure ... is a specific statement particular to Wilkie's cold seal receptive layer and is not a general statement applicable to any and all layers of a multilayer film structure ... Wilkie refers to the "layer of such random copolymer" ... The random copolymer is the ethylene-propylene random copolymer ... Thus, Wilkie's disclosure ... does not provide the "clear and particular" suggestion to modify Park's core layer and arrive at the claimed opaque core layer substantially free of voids", the Examiner repeats (see Office action dated 4/9/2004) that Wilkie expressly teaches that oriented non-cavitated film layer is advantageous since cavities and voids reduce mechanical strength, and oriented film of

Art Unit: 1771

a polymer with the titanium dioxide dispersed therein does not have the extensive cavitations and voids when the polymeric layer has a lower melting temperature than isotactic polypropylene homopolymer (column 4, lines 45-56). As such, it would have been obvious to one of ordinary skill in the art to modify Park's core layer with an opaque polyolefin layer, as taught by Wilkie, motivated by the desire to obtain a substantially nonporous opaque multilayer film with improved mechanical strength. Additionally, the Examiner notes that the extremely broad limitation in claim 1, which simply recites "an opaque core layer comprising a thermoplastic material", clearly fails to preclude Wilkie's copolymer, Applicants' argument to the contrary notwithstanding.

Applicants' argument "Park contains multiple disclosures that make it clear that the principle of the operation of Park's invention is based on a voided core layer ... Park discloses the voids of the core ... as a "necessary part of the present invention" ... modifying Park to remove its voided core layer would destroy Park's principle of operation" (Remarks, page 12, last two paragraphs) has been carefully considered, but is not persuasive. First, the Examiner notes that both inventions of Park and Wilkie are directed to opaque multilayer films, as such they are combinable because they are from the same field of endeavor. Second, importantly, while Park's invention uses a voided core to provide opaqueness to the opaque multilayered films, Wilkie's invention is clearly directed to the same intended purpose, i.e., an opaque multilayer film, as set forth above. As such, while substituting Park's voided core layer with Wilkie's nonporous layer changes the physical structure of the core layer, it clearly does not

Art Unit: 1771

destroy Park's principle of operation, i.e., to obtain an opaque multilayered film,

Applicants' argument to the contrary notwithstanding. See MPEP 2143.01.

Similarly, with respect to Applicants' argument "... the Park inventors specifically choose to make their core layer a voided core layer. Therefore, it would be completely contrary to, and destroy, Park's disclosure to modify its core layer by making it void-free" (Remarks, page 10, top paragraph), the Examiner repeats that since both inventions of Park and Wilkie are directed to opaque multilayer films, substituting Park's voided core layer with Wilkie's nonporous layer with an improved mechanical strength does not destroy Park's principle of operation, i.e., to obtain an opaque multilayered film, Applicants' argument to the contrary notwithstanding, as set forth above.

### ***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 1771


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*VSC*  
Victor S Chang  
Examiner  
Art Unit 1771

9/17/2004

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700